

1 Alan P. Jacobus, No. 206954
2 Shay Aaron Gilmore, No. 217196
3 **CARROLL, BURDICK & McDONOUGH LLP**
4 Attorneys at Law
5 44 Montgomery Street, Suite 400
6 San Francisco, CA 94104
7 Telephone: 415.989.5900
8 Facsimile: 415.989.0932
9 Email: ajacobus@cbmlaw.com
10 sgilmore@cbmlaw.com

11 John L. Jacobus (pro hac vice)
12 Leah M. Quadrino (pro hac vice)
13 **STEPTOE & JOHNSON LLP**
14 1330 Connecticut Avenue, N.W.
15 Washington, D.C. 20036
16 Telephone: 202.429.6276
17 Facsimile: 202.429.3902
18 Email: jjacobus@steptoe.com
19 lquadrino@steptoe.com

20 Attorneys for Defendant
21 Swiss Re Life & Health America Inc.

22 UNITED STATES DISTRICT COURT
23
24 NORTHERN DISTRICT OF CALIFORNIA
25
26 SAN FRANCISCO

27 CHRISTA P.C. SULLIVAN,
28
29 Plaintiff,
30
31 v.
32 CHASE HOME FINANCE, LLC, et al.,
33
34 Defendants.

No. C09-02876 SI

**STIPULATION AND [PROPOSED] ORDER
FOR NEW HEARING DATE ON
DEFENDANTS' MOTIONS TO DISMISS**

35 Pursuant to the Federal Rules of Civil Procedure, plaintiff CHRISTA P.C.
36 SULLIVAN ("Plaintiff"), defendant SWISS RE LIFE & HEALTH AMERICA INC. ("SRLHA"),
37 and defendants CHASE HOME FINANCE, LLC successor by merger to CHASE
38 MANHATTAN MORTGAGE CORPORATION and CHASE BANK USA f/k/a Chase
39 Manhattan Bank USA, N.A. (together "Chase Entities"), by and through their respective attorneys
40 of record, agree and stipulate as follows:

1 1. WHEREAS, on October 16, 2009, the parties to this action stipulated pursuant
2 to Civil L.R. 16-9 and ADR L.R. 3-5 to participate in a Private Process ADR in an effort to
3 resolve their disputes.

4 2. WHEREAS, on October 19, 2009, both SRLHA and Chase Entities filed
5 separate motions to dismiss Plaintiff's First Amended Complaint pursuant to FED. R. CIV. PROC.
6 12(b)(6) and obtained separate hearing dates of December 18, 2009 for SRLHA's motion and
7 January 22, 2010 for Chase Entities' motion.

8 3. WHEREAS, on October 22, 2009, the Court ordered this action referred to a
9 Private Process ADR as stipulated by the parties on October 16, 2009.

10 4. WHEREAS, on November 6, 2009, the Court continued the separate hearing
11 dates for SRLHA's and Chase Entities' separate motions to dismiss to February 12, 2010 to allow
12 the parties time to participate in a Private Process ADR in an effort to resolve their disputes.

13 5. WHEREAS, on December 16, 2009, Plaintiff, SRLHA and Chase Entities
14 participated in a Private Process ADR with Justice Laurence Kay (Ret.) and agreed to meet again
15 for another session with Justice Kay on February 12, 2010.

16 6. WHEREAS, Plaintiff has not yet filed any opposition to either SRLHA's or
17 Chase Entities' motions to dismiss, and Plaintiff's oppositions to these motions are due to be filed
18 by not later than January 22, 2010.

19 7. WHEREAS, Plaintiff, SRLHA and Chase Entities wish to control the cost of
20 litigation before completing their second session of Private Process ADR with Justice Kay.

21 \\

22 \\

23 \\

24 \\

25 \\

26 \\

27 \\

28 \\

8. THEREFORE, Plaintiff, SRLHA and Chase Entities agree to continue the February 12, 2010 hearing date on SRLHA's and Chase Entities' separate motions to dismiss to March 19, 2010 (or to such other date after March 19, 2010 that is most convenient for the Court) and to complete oppositions and replies according to the Federal Rules of Civil Procedure using such date as the hearing date for SRLHA's and Chase Entities' motions to dismiss.

9. THEREFORE, Plaintiff, SRLHA and Chase Entities agree that once the Court has advised these parties of the date most convenient for hearing SRLHA's and Chase Entities' motions to dismiss, SRLHA and Chase Entities will file a notice of continuance of the February 12, 2010 hearing date pursuant to Civil L.R. 7-7 before January 22, 2010.

Dated: December 22, 2009

CARROLL, BURDICK & MCDONOUGH LLP

MANNION and LOWE

/s/ Alan P. Jacobus

/s/ Wesley M. Lowe

Alan P. Jacobus
Attorneys for Swiss Re Life & Health America Inc.

Wesley M. Lowe
Attorneys for Christa P.C. Sullivan

ADORNO YOSS ALVARADO & SMITH

/s/ S. Christopher Yoo

S. Christopher Yoo
Attorneys for Chase Home Finance, LLC; Chase
Manhattan Mortgage Corporation; and Chase Bank
USA, N.A. (f/k/a Chase Manhattan Bank USA,
N.A.)

PURSUANT TO STIPULATION, IT SO ORDERED.

Dated: _____, _____



Susan Illston
United States District Court Judge